

KOERNER & OLENDER, P.C.

Attorneys at Law
5809 Nicholson Lane, Suite 124
North Bethesda, Maryland 20852-5706

Tel. (301) 468-3336
Fax (301) 468-3343

Robert L. Olender *
James A. Koerner

Of Counsel
Robert Bennett Lubic*

July 2, 2002

*not admitted in MD

HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED

JUL - 2 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

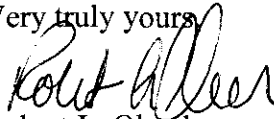
Re: Petition for Rulemaking
Warner Robbins, Georgia
Facility ID No. 127341

Dear Ms. Dortch:

Transmitted herewith, on behalf of Word of God Fellowship, Inc., are an original and four (4) copies of its Petition for Reconsideration of the denial of its above-referenced rulemaking.

Should further information be desired in connection with this matter, please communicate with this office.

Very truly yours,



Robert L. Olender
Counsel for
Word of God Fellowship, Inc.

RLO/mp

Enclosures

cc: Scott Johnson, Esq. (Via Facsimile)

11645 16/DORTCH.0702

No. of Copies rec'd
List ABOVE

044

MB

~~02 105~~

Before the
Federal Communications Commission
Washington, D.C. 20554

ORIGINAL

RECEIVED

JUL - 2 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Matter of)

Petition for Rulemaking)

Word of God Fellowship, Inc.)

DTV Channel 18)

Warner Robbins, GA)

MM Docket No. _____

RM - _____

Facility ID No. 127341

To: Chief, Television Branch
Video Division, Media Bureau

PETITION FOR RECONSIDERATION

Word of God Fellowship, Inc. ("WGFI") herein petitions for reconsideration of the ruling dated May 30, 2002, by Clay C. Pendarvis, Associate Chief, Video Division, Media Bureau, denying its Petition for Rulemaking for DTV Channel 18 at Warner Robbins, Georgia.¹ In support thereof, the following is shown:

1. WGFI instituted a rulemaking proceeding for the purpose of amending the TV Table of Allotments to substitute DTV Channel 18 for the existing NTSC Channel 35 at Warner

¹ This appeared on Public Notice dated June 4, 2002 (Report No. 45248).

Robbins, Georgia. The Commission dismissed this petition on the basis that the proposal failed to meet the interference requirements of the Commission's Rules in two instances.

2. First, the Commission stated that the proposal would cause harmful interference to a pending Class A application (File No. BPTTL-20010712AAP), which was filed July 12, 2001, by Family Ministry Center ("FMC"), for WDMA-LP (formerly call sign W18CY) for Macon, Georgia. Although the Commission classified this as a "pending Class A application," when WGFI's consulting engineer reviewed the FCC's database, this application was erroneously listed only as a low power television station, **not** a Class A station (see Attachment A).² He did not consider it because a low power station is a secondary service and would not be offered protection by a DTV station. Had the Commission correctly reported this applicant as a Class A station, WGFI would have resolved this issue prior to the filing of its rulemaking.

3. As such, WGFI has now eliminated this problem. Attached is an Affidavit from an officer of FMC, submitted as Attachment C, which states that FMC is willing to accept WGFI's interference to its pending application. In addition, it also proposes, if necessary, to change its channel from 18 to Channel 31, which clearly would not impact on WGFI's rulemaking. Therefore, the existence of this pending application should have no further bearing on WGFI's rulemaking.

4. Second, the Commission indicates that WGFI's rulemaking would cause interference to the DTV construction permit issued to Station WXGA-DT, Waycross, Georgia (File No. BPEDT-20000425AAS). This is an incorrect assessment, according to calculations of WGFI's consulting engineers, WES Broadcast Consultants (see Attachment D). These

² When the Commission properly lists a Class A station, its "Class A" status is typed on its construction permit heading as shown in an authorization for Station KATA-LP, Mesquite, Texas (see Attachment B).

calculations, which were presented with the original rulemaking, showed less than .1 percent interference, which is clearly under the 2% *de minimus* standard.

ACCORDINGLY, based upon the information presented herein, it is respectfully requested that the Commission reconsider its dismissal of WGFI's rulemaking.

Respectfully submitted,

WORD OF GOD FELLOWSHIP, INC.

By: _____



Robert L. Olender
Its Attorney

July 2, 2002

Koerner & Olender, P.C.
5809 Nicholson Lane
Suite 124
North Bethesda, MD 20852
(301) 468-3336

ATTACHMENT A

CONSTRUCTION PERMIT (BPTTL-20010712AAP)



United States of America
FEDERAL COMMUNICATIONS COMMISSION
LOW POWER TELEVISION/TELEVISION TRANSLATOR
BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

FAMILY MINISTRY CENTER
P.O. BOX 6257
MACON GA 31208

Hossein Hashemzadeh
Associate Chief
Video Division
Media Bureau

Facility Id: 21150

Call Sign: W18CY

Permit File Number: BPTTL-20010712AAP

Grant Date: April 22, 2002

This permit expires 3:00 a.m.
local time, 36 months after the
grant date specified above.

This Permit Modifies Permit No.: BLTTL-19970818JA

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: FAMILY MINISTRY CENTER

Station Location: GA-MACON

Frequency (MHz): 494 - 500

Offset: ZERO

Channel: 18

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: PSI PSILP16CRA

Major lobe directions 300
(degrees true):

Antenna Coordinates: North Latitude: 32 deg 50 min 17 sec

West Longitude: 83 deg 31 min 07 sec

Maximum effective radiated power (Visual): 50 kW

Height of radiation center above ground: 107 Meters

Height of radiation center above mean sea level: 277 Meters

Antenna structure registration number: 1036393

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The authorization of a license to operate this station is conditioned upon the use of a transmitter that has been type accepted or meets Commission type acceptance requirements at a visual carrier frequency tolerance of plus/minus 1 kHz. In the event the transmitter has not been type accepted at this tolerance, the permittee shall, in the license application, provide full engineering data that demonstrates compliance with Section 74.750 (c)(3)(iii) of the Commission's Rules.

- 2 This authorization is subject to the condition that low power television is a secondary service, and that low power television and television translator stations must not cause interference to the reception of existing or future full service television stations on either allotted NTSC or DTV channels, and must accept interference from such stations.

*** END OF AUTHORIZATION ***

ATTACHMENT B

CONSTRUCTION PERMIT (BPTTL-20000728AEW)



United States of America
FEDERAL COMMUNICATIONS COMMISSION
CLASS A
BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

HENRY J. MCGINNIS
7241 MARTHA LANE
FORT WORTH TX 76112

Hossein Hashemzadeh
Associate Chief
Video Division
Media Bureau

Facility Id: 26950

Call Sign: KATA-LP

Permit File Number: BPTTL-20000728AEW

Grant Date: March 12, 2002

This permit expires 3:00 a.m.
local time, 36 months after the
grant date specified above.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: HENRY J. MCGINNIS

Station Location: TX-MESQUITE

Frequency (MHz): 686 - 692

Offset: MINUS

Channel: 50

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: ACI ACB32AR SPECIAL REDUCED REAR RADIATION ULT.

Major lobe directions 0
(degrees true):

Antenna Coordinates: North Latitude: 32 deg 32 min 36 sec

West Longitude: 96 deg 57 min 33 sec

Maximum effective radiated power (Visual): 50 kW

Height of radiation center above ground: 293 Meters

Height of radiation center above mean sea level: 539 Meters

Antenna structure registration number: 1059733

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The authorization of a license to operate this station is conditioned upon the use of a transmitter that has been type accepted or meets Commission type acceptance requirements at a visual carrier frequency tolerance of plus/minus 1 kHz. In the event the transmitter has not been type accepted at this tolerance, the permittee shall, in the license application, provide full engineering data that demonstrates compliance with Section 74.750 (c)(3)(iii) of the Commission's Rules.
- 2 This authorization is subject to the condition that low power television is a secondary service, and that low power television and television translator stations must not cause interference to the reception of existing or future full service television stations on either allotted NTSC or DTV channels, and must accept interference from such stations.

*** END OF AUTHORIZATION ***

ATTACHMENT C

AFFIDAVIT FAMILY MINISTRY CENTER

AFFIDAVIT

Family Ministry Center ("FMC") has a pending application for Station WDMA-LP, Macon, Georgia (File No. BPTTL-20010712AAP). It has been brought to our attention by Word of God Fellowship, Inc. ("WGFI"), that its rulemaking for Warner Robbins, Georgia, for DTV Channel 18 would cause interference to this application. FMC wishes to advise the Federal Communications Commission that it is willing to accept interference to its pending application or, if necessary, change its channel to one that would not impact on WGFI's rulemaking for Warner Robbins. We have retained a consulting engineer, Richard Goetz, and he has found that Channel 31 would be an acceptable substitute that would not impact on WGFI's application.

FAMILY MINISTRY CENTER

By: Gary A. Lamb
Its: Agent / Corp. President.

Date: 6-27-02

STATE OF Georgia
COUNTY OF Jones

I hereby certify that on the 27 day of June, 2002, before me, the undersigned, a Notary Public of the State of Georgia, in and for the County of Jones, personally appeared GARY A. LAMB and acknowledged that the foregoing Affidavit to be his/her act.

[NOTARY SEAL]

By: [Signature]
Notary Public

My Commission expires 08/18/03.

ATTACHMENT D

ENGINEERING STATEMENT

WES Broadcast Consultants.

DECLARATION

I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Television Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES Broadcast Consultants and that the firm has been retained to prepare an engineering statement on behalf of Daystar TV Network.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E Myrl Warren, III

Executed on the 2nd day of July 2002

**Engineering Statement
Warner Robins, GA
Channel 18 DTV
Petition for Reconsideration
By WES Broadcast Consultants**

Exhibit OET FLR-1 demonstrates that Warner Robins, GA Channel 18 DTV causes .1 percent interference to WXGA-DT Channel 18's maximized facility with .1 km terrain spacing and 0 percent with 1.0 terrain spacing which are both under the de minimus interference percentage for ATSC which is 2.0 percent. The Allotment Interference analysis was included because it also was found to be less than de-minimus as well.

Exhibit INT-1 merely illustrates the analysis performed in Exhibit OETFLR-1, showing interference received by WXGA in RED.

Upon running the initial spacing studies for Channel 18, WDMA-LP's application was not considered, as it showed up in the database as a pending LPTV application.

Exhibit OETFLR-1
Warner Robins, GA Channel 18
Petition for Reconsideration
prepared by Wes Broadcast Consultants

Ch 18 DTV N LAT 32-45-51 W LON 83-33-32 ERP: 498.82 kW AGL:163m GMSL:145m RCMSL:308m

Callsign	City	Class	Status	ERP	Sep Type	Status Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc Contour	Svc Strength
WXGA-TV*	WAYCROSS	DTV	LIC	532	D/M	Clean	195 224	-28.9	15	10	14	3 UHF	18	Co	LR	F(50,90)		41
WXGA-DT	WAYCROSS	DTV	CP	953	D/M	Clean	195 224	-28.9	15	10	14	3 UHF	18	Co	LR	F(50,90)		41

Protected Contour Interference Analysis@0.1 km Terrain Spacing

Population before the addition of Ch 18 to the database not affected by terrain losses: 402,158 persons
Population after the addition of Ch 18 to the database: 399,933 persons
Population lost to ATSC IX with Ch 18: 2,225 persons
Percentage of population lost with Ch 18: .6 %

Protected Contour Interference Analysis@1.0 km Terrain Spacing

Population before the addition of Ch 18 to the database not affected by terrain losses: 402,742 persons
Population after the addition of Ch 18 to the database: 399,178 persons
Population lost to ATSC IX with Ch 18: 3,564 persons
Percentage of population lost with Ch 18: .9 %

Noise Limited Contour Interference Analysis@0.1 km Terrain Spacing

Population before the addition of Ch 18 to the database not affected by terrain losses: 350,847 persons
Population after the addition of Ch 18 to the database: 350,614 persons
Population lost to ATSC IX with Ch 18: 233 persons
Percentage of population lost with Ch 18: .1 %

Noise Limited Contour Interference Analysis@1.0 km Terrain Spacing

Population before the addition of Ch 18 to the database not affected by terrain losses: 350,970 persons
Population after the addition of Ch 18 to the database: 350,844 persons
Population lost to ATSC IX with Ch 18: 126 persons
Percentage of population lost with Ch 18: .0 %

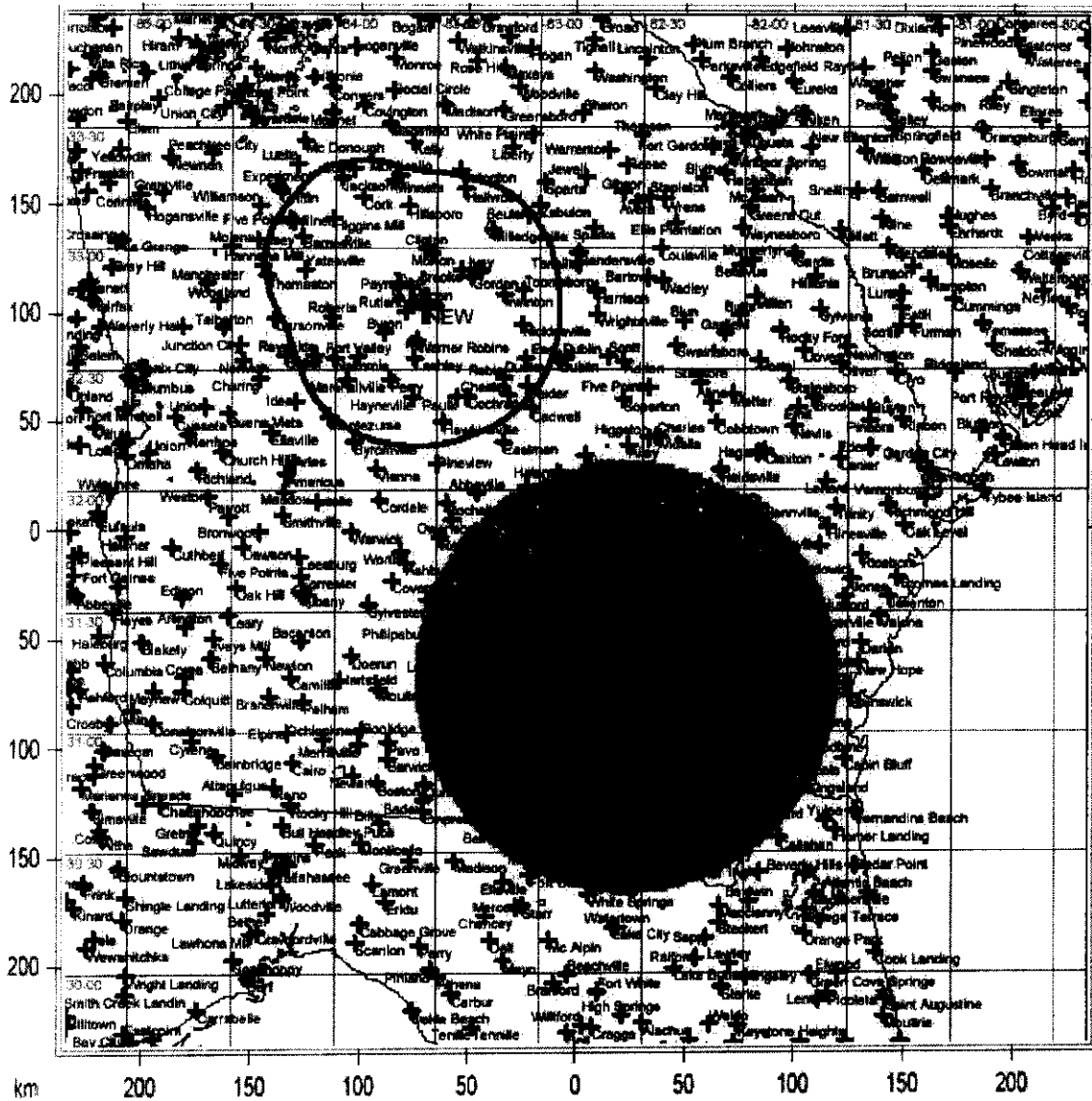
Note: These Interference Studies were Generated without Considering existing interference as the amount of interference would be much less.

Warner Robins, GA DTV Channel 18

Petition for Reconsideration

By WES Broadcast Consultants

Exhibit INT-1

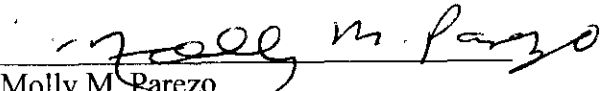


WXGA Noise Limited Contour in Green
 WXGA Allotment Contour in Red
 Channel 18 Noise Limited Contour in Black

CERTIFICATE OF SERVICE

I, Molly M. Parezo, a secretary at Koerner & Olender, P.C., do hereby certify that on this 2nd day of July, 2002, I caused a copy of the foregoing **"Petition for Reconsideration"** to be served by first-class mail, postage prepaid, to the following:

Thomas J. Dougherty, Jr., Esq.
Gardner, Carton & Douglas
1301 K Street, N.W., East Tower
Suite 900
Washington, D.C. 20005-3317
Counsel for Marri Broadcasting, L.P.


Molly M. Parezo